

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

**SMART & BIGGAR***Intellectual Property & Technology Law***To Fax no.:** (705) 308-25711000 De La Gauchetière Street West  
Suite 3400**Page 1 of:** 6

Montreal, Quebec Canada H3B 4W5

**Attention:** Gerald B. Klebe, Examiner  
USPTOTel. (514) 954-1500  
Fax (514) 954-1396**From:** Marc Gagnon**Your file no.:** Application No. 10/038,578**Date:** July 16, 2003

Filing Date: January 8, 2002

**Reply to Montreal file no.:** 86421-5  
(formerly 85493-423)**Time:****EXPEDITED PROCEDURE****OFFICIAL****FAX RECEIVED****JUL 18 2003****GROUP 3600****If there are any transmission problems, please call (514) 954-1500.**

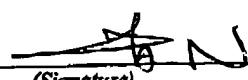
Original copy and any enclosures

☐ will☒ will not

be sent by

☒ mail☒ courier

The information contained in this transmission is confidential and only for the intended recipient identified above. If you are not the intended recipient, you are hereby notified that any dissemination or use of this communication is unlawful. If you have received this transmission in error, please immediately notify us by telephone (collect). Return the original message to us and retain no copy.

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. <b>86421-5</b>
Applicant(s): <b>DUROCHER, Jacques</b>			
Serial No. <b>10/038,578</b>	Filing Date <b>January 8, 2002</b>	Examiner <b>Gerald B. Klebe</b>	Group Art Unit <b>3618</b>
Invention: <b>VIBRATION ABSORTION SYSTEM FOR IN-LINE ROLLER SKATES AND ICE SKATES</b>			
<p>I hereby certify that this <u>Response to Official Action requirements</u> <small>(Identify type of correspondence)</small></p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(703) 308-2571</u>)</p> <p>on <u>July 16, 2003</u> <small>(Date)</small></p> <div style="text-align: right; margin-top: 20px;"><p><u>Nesrine Amiri</u> <small>(Typed or Printed Name of Person Signing Certificate)</small></p><p><u></u> <small>(Signature)</small></p></div>			
<p><b>Note: Each paper must have its own certificate of mailing.</b></p>			
<p><b>OFFICIAL</b></p> <p><b>FAX RECEIVED</b></p> <p><b>JUL 18 2003</b></p> <p><b>GROUP 3600</b></p>			

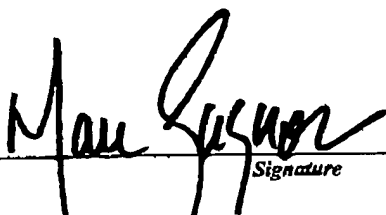
**TRANSMITTAL LETTER**  
**(General - Patent Pending)**Docket No.  
86421-5In Re Application Of: **DUROCHER, Jacques**Serial No.  
10/038,578Filing Date  
January 8, 2002Examiner  
Gerald B. KlebeGroup Art Unit  
3618Title: **VIBRATION ABSORTION SYSTEM FOR IN-LINE ROLLER SKATES AND ICE SKATES****TO THE COMMISSIONER FOR PATENTS:**

Transmitted herewith is:

**Response to Official Action requirements**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 19-2550 as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.

  
Signature

Dated: July 16, 2003

Marc Gagnon, Reg. No. 51,273  
SMART & BIGGAR  
1000 de la Gauchetière Street West  
Suite 3400  
Montreal, Quebec  
H3B 4W5  
CANADA

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc:

Attorney Docket: 86421-5 (formerly 85493-423)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DUROCHER, Jacques                      Art Unit: 3618  
Serial Number: 10/038,578                      Examiner: Gerald B. Klebe  
Filing Date: January 8, 2002  
Title: VIBRATION ABSORTION SYSTEM FOR IN-LINE ROLLER  
SKATES AND ICE SKATES

Assistant Commissioner for Patents  
Washington, D.C. 20231

S I R:

Responsive to the restriction requirement stated in Paper No. 4, mailed on June 16, 2003 for the patent application identified above, the applicant responds as follows.

The applicant has been required, under 35 U.S.C. § 121, to provisionally elect a single disclosed species for further prosecution on the merits to which the claims shall be restricted if no generic claim is finally held allowable. The Office Action identifies the following four species: Species I (illustrated in Figures 1-6), Species II (illustrated in Figures 7-9), Species III (illustrated in Figure 10), and Species IV (illustrated in Figure 11).

The applicant respectfully traverses the restriction requirement to the extent that Figures 1-6 and Figures 7-9 are identified as illustrating separate species. While Species I does not comprise a front vibration absorption system, Species II comprises such system which constitutes the difference between the embodiments illustrated in respective Figures 1-6 and 7-9: *"A resilient member 104 such as a flat deformable rubber is installed between the bridge portion 72 of chassis 48 and the underside of outsole [sic] 40. [...]* This arrangement [the one of the embodiment illustrated in Figures 7-9] allows the front

*end of chassis 48 to move up and down relative to skate boot 20 thereby absorbing at the front of the skate, shocks and vibrations induced by a rough skating surface (lines 4-10 on page 10 of the specification).*

Moreover, the aforesaid embodiments respectively cover rear vibration absorption systems that are not patentably distinct: *"As in the first embodiment depicted in figures 1 to 6, the rear or heel portion of outsole 40 is split in two segments including an upper platform 50 and a lower platform 52 which forms a fork-like heel structure. The fork-like heel structure includes an absorption insert 56 made of deformable and elastic material which is sandwiched between upper and lower platforms 50 and 52. Absorption insert 56 acts as a cushioning and vibration absorption device that attenuates the transfer of shocks and vibrations to the skater's heel as previously described."* (lines 23-29 on page 10 of the specification).

The shape of the insert 56 does not render these embodiments to be considered as being distinct species: *"Insert 56 can be made in a variety of elastomer material with various hardness or durometer gauges such that under pressure, insert 56 yields and its shape is altered thereby absorbing energy. The elastomer body of insert 56 may have a series of holes or areas with less material to provide more room for deforming the insert. Insert 56 may also include a large pocket of air or gas enclosed within its elastomer body or a series of smaller air pockets also enclosed within its elastomer body to provide some pneumatic resiliencies to insert 56. Many variations of designs of insert 56 are possible within the spirit and scope of the present invention."* (lines 18-25 on page 7 of the specification).

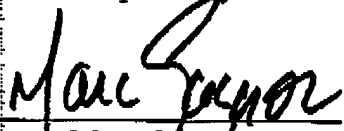
The applicant therefore submits that the embodiments illustrated in Figures 1-6 and 7-9 respectively are both patentable in a single patent application.

In order to provide a complete response to the restriction requirement, the applicant elects to prosecute Species I illustrated in Figures 1-6 (and in Figures 7-9). Claims 1-6 and 10-14 read on Species I. A divisional application may later be filed to prosecute the non-elected species.

The Examiner is invited to call the applicant's undersigned representative if any further explanation will expedite the prosecution of the application, or if the Examiner has any suggestions or questions concerning the application or the present response.

Respectfully submitted,

Dated: July 16, 2003



Marc Gagnon  
Reg. No. 51,273

Smart & Biggar  
1000 de la Gauchetière Street West  
Montréal, Québec, CANADA, H3B 4W5  
Telephone: (514) 954-1500  
Facsimile: (514) 954-1396

The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 19-2550 of any fees associated with this communication.